



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,343	07/24/2003	Robert G. Marsico	18587-7	9149

21130 7590 02/14/2008
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
ATTN: IP DEPARTMENT DOCKET CLERK
2300 BP TOWER
200 PUBLIC SQUARE
CLEVELAND, OH 44114

EXAMINER

SCHEIBEL, ROBERT C

ART UNIT	PAPER NUMBER
----------	--------------

2619

MAIL DATE	DELIVERY MODE
-----------	---------------

02/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/626,343	Applicant(s) MARSICO ET AL.	
	Examiner Robert C. Scheibel	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Examiner acknowledges receipt of Applicant's Amendment filed 12/28/2007.
- Claims 2, 8, and 10 have been cancelled in this Amendment.
- Claims 1, 11, 14, and 18-22 are currently amended.
- Claims 1, 3-7, 9, and 11-22 are currently pending.

Response to Arguments

1. Applicant's arguments, see paragraph 1 on page 9, filed 12/28/2007, with respect to the rejection of claims 19-22 under 35 U.S.C. 101 due to the definition of a computer readable medium to include signals have been fully considered but they are not persuasive.

First, Applicant has not removed all mention of signals from this section of the specification; line 2 of paragraph 0019 indicates that a computer-readable medium may include a medium for providing signals to one or more processors. Examiner requests that this reference be removed from the specification as well. This leads to ambiguity in the claims. For example, claim 19 currently indicates a computer readable medium comprising instructions; this claim language combined with the definition provided in paragraph 0019 leaves open the possibility that the computer readable medium could comprise only one or more signals which is clearly not statutory subject matter. Further, signals encoded with functional descriptive material (such as executable software instructions) does not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. 101.

Second, Applicant has changed one of the passages indicating that a computer readable medium may be a signal to indicate that a computer readable medium may take the form of

waves. While this is different language, the intent is still the same. Examiner takes the position that the waves in the amended specification are signals per se and are not statutory. Thus any claim for a computer readable medium could be interpreted to be a wave (or signal) and is thus not statutory subject matter.

For at least these reasons, the 101 rejection is maintained herein.

2. Applicant's arguments, see paragraph 2 on page 9, filed 12/28/2007, with respect to the minor informality in paragraph 0028 have been fully considered and are persuasive. The objection to paragraph 0028 of the specification has been withdrawn herein.
3. Applicant's arguments, see paragraph 3 on page 9, filed 12/28/2007, with respect to the claim objections have been fully considered but they are not persuasive. Most, but not all, of the claim objections have been corrected satisfactorily. Applicant has changed "selected network devices" to "particular network devices". This language is nearly equivalent and does not overcome the prior objection. Examiner has repeated this objection below. Further, Examiner recommends that "particular network devices" is changed to something like "other network devices" which clearly indicates that these devices are distinct from the "network device" of line 1 of claim 11.
4. Applicant's arguments, see paragraph 4 on pages 9-10, filed 12/28/2007, with respect to the rejection of claim 1, 11, 14, and 19 under obviousness-type double patenting have been fully considered and are persuasive. The rejection of claim 1, 11, 14, and 19 under obviousness-type double patenting has been withdrawn.

5. Applicant's arguments, see paragraph 5 on page 10, filed 12/28/2007, with respect to the rejection of claim 19-22 under 35 U.S.C. 101 have been fully considered but they are not persuasive.

Part of this rejection has been addressed above with respect to Applicant's specification amendments; as indicated, the specification still leaves open the possibility that a computer readable medium is a signal and thus these claims constitute non-statutory subject matter.

Further, Applicant has amended claim 19 to recite a computer readable medium comprising first, second, and third computer executable instructions. Again, this appears to be claiming the computer software itself as the medium is indicated as comprising only computer instructions and thus appears to be computer software per se. Further, while a computer readable medium may be encoded with computer executable instructions, it is not clear how a computer readable medium can *comprise* instructions. A rejection under 35 U.S.C. 112, second paragraph, has thus also been added for these claims.

6. Applicant's arguments, see pages 10-13 of the section entitled "Claim Rejections under 35 U.S.C. 102", filed 12/28/2007, with respect to the rejection of claim 1 and 3-7 have been fully considered but are moot in view of the new grounds of rejection.

7. Applicant's arguments, see pages 13-14 of the section entitled "Claim Rejections under 35 U.S.C. 102", filed 12/28/2007, with respect to the rejection of claims 11-13 have been fully considered but they are not persuasive.

In the first paragraph of this section, Applicant recites portions of claim 11, amended, and argues that the passage cited in the prior office action does not disclose "routing of subsequent communications directed generally at the network, to particular network devices based on the

identifiable communications data". Examiner respectfully disagrees for reasons indicated in detail below. In the following paragraph, Applicant expands upon the argument regarding the routing limitation and cites portions of Oh and argues that these do not disclose routing subsequent communications. However, Examiner respectfully disagrees. In lines 1-10 of column 10 Oh clearly describes how subsequent routing of communications (the incoming call to the MIN) is changed based on the modification of the MIN table performed during registration. The previous rejection is still proper and is maintained herein. Examiner recommends that Applicant consider amending the claim to include subject matter similar to claim 1 as discussed in the interview of December 13, 2007 in order to distinguish this claim over the prior art of record.

8. Applicant's arguments, see pages 14-18 of the section entitled "Claim Rejections under 35 U.S.C. 102", filed 12/28/2007, with respect to the rejection of claims 14-18 have been fully considered but they are not persuasive.

In the first paragraph of this section, Applicant argues that Oh does not disclose the limitation of modifying a computer-readable medium to reflect one or more services associated with the network device. In the subsequent paragraph, Applicant argues that the MIN profile of Oh does not contain a record that reflects a service associated with the network device and thus such a record cannot be modified. Examiner respectfully disagrees. The claim language is extremely broad and the elements in the MIN profile (including the ESN, termination capability, etc.) are all clearly associated with at least the voice service of the device and are also clearly modified when the registration message is received. Oh clearly discloses the "modifying" step.

In the next two paragraphs, Applicant argues that the “routing” step is not disclosed by Oh. Applicant argues that since the contents of the computer readable medium do not contain information related to a service associated with the device, the subsequent routing cannot be based on such information. However, as Examiner indicated above, Oh does store information related to a service associated with the device. In the second of these two paragraphs, Applicant makes arguments similar to those regarding the routing limitation of claim 11. For reasons stated above, Examiner believes that Oh discloses these limitations in at least lines 1-10 of column 10. See the arguments above for more detail as to how this is disclosed in Oh.

On page 16, in the section regarding claim 15, Applicant argues that Oh does not disclose the limitation that the message contains payload data representative of desired services corresponding to identifiable network devices. However, the claim language is broad and Examiner believes that the ESN is representative of voice services relating to the devices associated with the common MIN. The ESN is now indicated as active and impacts voice services for this MIN as this is now another device to which incoming calls directed to the MIN may possibly be routed as well as another device capable of making outgoing calls associated with the common MIN. For at least these reasons, the rejection is maintained herein.

On pages 16-17, in the section regarding claim 16, Applicant argues that Oh does not disclose designating availability of a service to a device associated with the accessed record. Examiner respectfully disagrees. As indicated in the office action, the type and status fields designate the availability of a service for the device. Specifically, the type field indicates whether the particular device identified by the ESN is available for inbound voice service.

Further, the status field indicates whether the phone is available for any voice service (inbound or outbound).

On pages 17-18, in the section regarding claim 18, Applicant argues that Oh fails to disclose the limitation of determining an uncommon address identifying a device designated to receive the communications based on attributes of the communications. Again, the claim language is extremely broad. Lines 1-10 of column 10 describe figure 7 and clearly discloses determining the uncommon address (ESN) of a device designated to receive the communications (the device designated to handle incoming calls) based on attributes of the communications (the MIN at least). The rejection has been maintained herein.

9. Applicant's arguments, see pages 18-20 of the section entitled "Claim Rejections under 35 U.S.C. 102", filed 12/28/2007, with respect to the rejection of claims 19-22 have been fully considered but they are not persuasive.

First, in the first two paragraphs of this section, Applicant argues that Oh does not disclose the limitation of modifying a record associated with the device based on payload data configured to alter services available to the device. Examiner respectfully disagrees. The claim language is broad and Examiner believes that the ESN is representative of voice services relating to the devices associated with the common MIN. The ESN is now indicated as active and impacts voice services for this MIN as this is now another device to which incoming calls directed to the MIN may possibly be routed as well as another device capable of making outgoing calls associated with the common MIN. Thus, the record is modified based on payload data (at least the ESN) and alters the services available to the device (the device is now available

to make outgoing and possibly receive incoming calls). For at least these reasons, the rejection is maintained herein.

Further, in the remaining paragraphs of this section, Applicant argues that the third computer executable instructions. For reasons similar to those already stated above regarding other independent claims, Examiner respectfully disagrees. Specifically, in lines 1-10 of column 10 Oh clearly describes how subsequent routing of communications (the incoming call to the MIN) is changed based on the modification of the MIN table performed during registration. Incoming calls are routed to specific devices based on the information available in the MIN table which includes which phone is available for incoming voice services. The previous rejection is still proper and is maintained herein.

Further, on pages 19-20 in the section regarding claim 21, Applicant argues that Oh does not disclose the limitation of the fifth computer executable instructions and specifically that the determining is not based upon the content of the incoming information and the records in the profile. Examiner respectfully disagrees as the MIN is content of the incoming information and this in combination with the MIN table is used to determine the ESN of the device to receive the incoming call. Thus the previous rejection is proper and maintained herein.

10. Applicant's arguments, see page 20 of the section entitled "Claim Rejections under 35 U.S.C. 103", filed 12/28/2007, with respect to the rejection of claim 9 have been fully considered and are persuasive. The rejection of claim 9 under 35 U.S.C. 103(a) has been withdrawn.

Claim Objections

1. Claim 1 is objected to because of the following informalities:

- In line 8, the phrase "each profile" implies that there are multiple profiles.

However, the previous line only includes "a profile". The limitation "a profile" in line 7 should be changed to "a plurality of profiles".

Appropriate correction is required.

2. Claim 11 is objected to because of the following informalities:

- The claim is for a "network device" which communicates with a network of more "network devices"; these are not adequately distinguished in the claim language. The claim must be amended to clarify these differences. For example, in lines 2-3, "particular network devices" must be changed to distinguish them from "a network device" of line 1. All such instances must be addressed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 claims "computer-readable medium comprising: first computer executable instructions..." which is vague and indefinite because it is unclear how a medium can comprise instructions. A medium can have instructions stored on it, recorded on it, etc, but it is not clear

how it can just comprise instructions. Claims 20-22 are also rejected since they depend from claim 19 and contain the same deficiency.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 19 is drawn toward "a computer-readable medium..." and thus is non-statutory because a "medium" cannot comprise "instructions"; as a result the medium is just instructions and therefore fails to fall within a statutory category under 101. Software instructions, or any type of "functional descriptive material", are not statutory when claimed as descriptive material, per se. See pages 50-57 of "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility".

Claims 20-22 are also rejected since they depend from claim 19 and contain the same deficiency.

Further, claims 19-22 are rejected under 35 U.S.C. 101 because the claimed invention does not fall into one of the categories of patentable subject matter set for the in 35 U.S.C. 101; in light of the definition in the specification, the claims are directed to signals. The specification defines (in paragraph 0019) a computer-readable medium in such a way that it can be "transmission media" including "waves, such as those generated during radio-wave, microwave,

infrared, and other forms of wireless communication". The specification further discloses that the computer-readable medium can be any other optical medium (which could include infrared media) or a carrier wave/pulse (which is another form of transmission media). However, these all of these transmission media (such as the waves) are nothing more than the physical characteristics of a form of energy. The "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" states on page 55 that "Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena". This same paragraph further states that "it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101". Thus, both the specification and the claims must be amended to overcome this rejection; merely changing the claim to specify a computer readable medium encoded with computer executable instructions will not overcome the rejection for the reasons stated above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims **11-22** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,155,226 to Oh et al.

Regarding claim **11**, Oh discloses a network device (controller logic 20 and controller 40 of Figure 2) configured for communication with a network that includes a user manageable database (subscriber profile database 42 of figure 2) correlating identifiable communications data (the MIN, for example) to particular network devices, the network device comprising: a computer-readable medium configured to store an uncommon address uniquely identifying the network device on the network, the network being identifiable by a common address (the controller 40 stores the ESN row in the MIN table of Figure 4); and formatting logic configured to format a signaling word including the uncommon address, and payload data representative of a change request to manage routing of subsequent communications directed generally to the network, to the particular network devices based on the identifiable communications data (this is disclosed by the acknowledgement signal of lines 23-25 of column 9, for example; the signal is addressed to the mobile station and thus includes the ESN and the success or failure it represents is representative of a change request (adding the ESN to the MIN table) to manage subsequent routing of communications; lines 1-10 of column 10 shows how subsequent communications (an incoming call) are routed based on the MIN (the identifiable communications data) to a particular ESN).

Regarding claim **14**, Oh discloses a method of subscriber management of a network of devices comprising: receiving an inbound signaling word from a subscriber including management data corresponding to a network identifiable by a common address and corresponding to a network device identifiable by an uncommon address (the registration

requests of Figure 5 and the corresponding description in lines 4-51 of column 9); modifying a computer-readable medium to reflect one or more services associated with the network device (steps 70, 76, and 82 of Figure 5; this affects the voice services associated with these devices – when they are registered, outbound voice services and (possibly) inbound voice services are enabled for the device); and routing subsequent communications directed at the common address to the uncommon address based on the content of the computer-readable medium and the subsequent communications (lines 1-10 of column 10 shows how subsequent communications (an incoming call) are routed based on the MIN (the common address) to a particular ESN (the uncommon address)).

Similarly, regarding claim 19, Oh discloses a computer-readable medium comprising: first computer executable instructions (lines 3-6 of column 8 clearly indicates that the controller can be implemented using software) for causing a computer to parse an incoming signaling word for indicia identifying a network and indicia identifying an individual device within the network (step 68 of Figure 5 which parses the MIN and ESN for the registration message); second computer executable instructions for causing a computer to modify a record associated with the individual device based on payload data in the incoming signaling word, where the payload data is configured to alter services available to the individual device (steps 70, 76, and 82 of Figure 5; this alters the voice services associated with these devices – when they are registered, outbound voice services and (possibly) inbound voice services are enabled for the device); and third computer executable instructions for causing a computer to transmit information sent to the network to the individual device depending on the information and the services available to the individual device (lines 1-10 of column 10 shows how information sent to the network (an

incoming call to the MIN) is sent to the individual device (a specific ESN) depending on information and services available to the individual device (the MIN table indicates if the incoming voice service is available to the particular ESN and routes it there if so).

Regarding claim 12, Oh discloses the limitation of transceiver logic configured to transmit the signaling word to the network in lines 23-25 of column 9 which requires transceiver logic to send the message to the mobile device.

Regarding claim 13, Oh discloses the limitation of a trigger configured to initiate the change request upon a designated occurrence (see lines 4-11 of column 9 which indicate that the change request is sent when the device is powered on).

Regarding claim 15, Oh discloses the limitations of preparing the inbound signaling word including payload data representative of desired services corresponding to identifiable network devices (see lines 4-11 of column 9; the registration message indicates that the user wishes to register for services on the network); appending the common address to the inbound signaling word (the MIN of line 10 of column 9); and transmitting the inbound signaling word to a service provider network (lines 8-11 of column 9).

Regarding claim 16, Oh discloses the limitations of accessing a profile associated with the common address; within the accessed profile, accessing a record associated with the uncommon address; and designating availability of a service to a device associated with the accessed record (see figures 4 and 5; the MIN profile is clearly associated with the common address and the ESN row is associated with the uncommon address and the type and state fields designate the availability of a service to the device).

Regarding claim 17, Oh discloses the limitation of verifying propriety of the inbound signaling word in the authentication described in lines 13-18 of column 9.

Regarding claim 18, Oh discloses the limitations of receiving communications directed to the common address (step 90 of Figure 7); determining an uncommon address identifying a device designated to receive the communications based on attributes of the communications (step 92 of Figure 7); and providing the communications to the device via the uncommon address (steps 94-108 of Figure 7).

Regarding claim 20, Oh discloses the limitation of third computer executable instructions for causing a computer to generate an outbound signaling word directed to at least one device within the network responsive to the modification of the record in the acknowledgement signal of lines 23-25 of column 9, for example.

Regarding claim 21, Oh discloses the limitations of fourth computer executable instructions for causing a computer to parse incoming data for a network identifying indicia and to select a profile based on the network identifying indicia (step 90 of Figure 7); and fifth computer executable instructions for causing a computer to determine at least one device in the network designated to receive the incoming data based on content of the incoming data and records in the profile (step 92 of Figure 7).

Regarding claim 22, Oh discloses the limitation of sixth computer executable instructions for causing a computer to provide the incoming data to the at least one device (steps 94-108 of Figure 7).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1, 3-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,533,108 to Harris et al in view of U.S. Patent 5,136,636 to Wegrzynowicz.

Regarding claim 1, Harris discloses a network (the plurality of destinations addressed by a common telephone number and associated support devices connecting these devices; see the abstract) comprising:

a plurality of network devices configured to have a common address identifying the network (the plurality of destinations identified by a common telephone number), and an uncommon address within the network, where the uncommon address identifies a network device from the plurality of network devices (the destination number for the call; see lines 39-52 of column 2, for example, which indicates that the destination number is found in the database);

a plurality of communications services available to the network from a communications service provider (the voice and data services; there are also multiple rates of data calls which are each separate services (see lines 4-10 of column 2); these voice and data calls are described throughout; see lines 13-20 of column 2, for example);

a computer-readable medium configured to store a profile associated with the common address (the database in line 38 of column 2), each profile configured to include at least one record corresponding to the network device, the record including the uncommon address (lines 39-52 of column 2 indicate that the database is queried for the destination number, so this is clearly stored in the record) and service data corresponding to at least one service from the plurality of communications services (lines 39-52 of column 2 indicate that the destination number returned by the database depends upon the service requested (either voice or one of the different data services (one for each rate); thus the database clearly has service information in order to return the correct destination base upon the requested service);

service identifying logic configured to correlate and direct communications targeted at the network to the network device based on the service data and a detectable attribute of the communications (lines 39-52 of column 2 discloses this; the destination number is determined based upon service data (voice call or one of the data call service types (rates)) and an attribute of the communications (the common telephone number); the call is then routed to the selected destination number which may be different for each service).

However, Harris does not disclose expressly the limitation of managing logic configured to manage the network including changing the record of the network device to associate the

service data of at least one selected service from the plurality of communication services to the network device having the uncommon address.

However, updating a database such as the DSD database of Harris is well known in the art. Consider Wegrzynowicz, for example, which discloses logic for allowing a customer to update his/her own entries in the 800 database (see lines 6-22 of column 3, for example). Harris and Wegrzynowicz are analogous art because they are from the same field of endeavor of routing calls to a network of devices with uncommon numbers using a common number. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Harris to explicitly indicate logic for managing the network by updating the database to change the association between a destination number and one of the services. This combination of Harris and Wegrzynowicz discloses the limitation of managing logic configured to manage the network including changing the record of the network device to associate the service data of at least one selected service from the plurality of communication services to the network device having the uncommon address. The motivation for doing so would have been to allow additional destinations to be added to the database or to modify the services associated with a particular destination so that the network is not fixed when it is first created. Therefore, it would have been obvious to combine Wegrzynowicz with Harris for the benefit of configuration flexibility to obtain the invention as specified in claim 1.

Regarding claims 3-5, Harris does not disclose expressly the limitation of access logic configured to control access to the computer-readable medium configured to store profiles or the limitation that the access logic is configured to receive data from a network device (or other than a network device) representing a change to be made to the computer-readable medium, and

selectively permit at least a portion of the data to pass to the computer-readable medium.

However, controlling access to a database such as the DSD database of Harris is well known in the art. Consider Wegrzynowicz, for example, which discloses logic for allowing a customer to update his/her own entries in the 800 database (see lines 6-22 of column 3, for example); this method of updating controls access to the database. Wegrzynowicz further discloses that the access logic is configured to receive data from a network device representing a change to be made to the computer-readable medium (lines 10-12 of column 3 indicate that the customer accesses the database by dialing an 800 number which clearly can be from any telephone (either one of the destination phones in the network or another phone – a network device or other than a network device); the changes entered in lines 18-19 of column 3 are the data received) and selectively permit at least a portion of the data to pass to the computer-readable medium (lines 34-37 of column 6 indicate that the customer must log into the system to make the changes; thus changes are only selectively allowed; after successful connection to the database, at least part of the data is entered into the database when changes are made). Harris and Wegrzynowicz are analogous art because they are from the same field of endeavor of routing calls to a network of devices with uncommon numbers using a common number. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Harris to explicitly indicate logic for controlling access to the database. This combination of Harris and Wegrzynowicz discloses the limitation of access logic configured to control access to the computer-readable medium configured to store profiles. The motivation for doing so would have been to allow additional destinations to be added to the database or to modify the services associated with a particular destination so that the network is not fixed when it is first created.

Therefore, it would have been obvious to combine Wegrzynowicz with Harris for the benefit of configuration flexibility to obtain the invention as specified in claim 3.

Regarding claim 7, Harris discloses the limitation that the common address comprises user account information in that the common 800 number is associated with the account of the subscriber who has the 800 service from the telephone company so that calls to that number can be properly billed to that subscriber.

Regarding claim 9, Harris discloses the limitation of a network device including a plurality of common addresses identifying a plurality of network in lines 47-60 which describe multiple subscribers of 800 number service; clearly each subscriber will require a distinct common number and thus a plurality of common addresses is supported.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,533,108 to Harris et al in view of U.S. Patent 5,136,636 to Wegrzynowicz and in further view of U.S. Patent 7,155,226 to Oh et al.

The combination of Harris and Wegrzynowicz discloses all limitations of parent claim 1 as indicated above. Harris further discloses the limitation that the common address comprises a telephone number in the 800 telephone number discussed throughout. However, the combination of Harris and Wegrzynowicz does not disclose expressly the limitation that the uncommon address comprises an electronic serial number.

Oh discloses this limitation throughout. See the abstract, for example. Harris and Oh are analogous art because they are from the same field of endeavor of associating a common number with a plurality of uncommon numbers. At the time of the invention, it would have been obvious

to a person of ordinary skill in the art to identify some of the destinations by ESN. The motivation for doing so would have been to enable Harris to apply to wireless devices as well. Therefore, it would have been obvious to combine Oh with the combination of Harris and Wegrzynowicz for the benefit of expanding Harris to include wireless devices to obtain the invention as specified in claim 6.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Mon and Thurs (6:30-5:00) and Fri (6:30-12:30).

Application/Control Number:
10/626,343
Art Unit: 2619

Page 22

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RC S 2-11-08
Robert C. Scheibel
Patent Examiner
Art Unit 2619

Wing F. Chan
2/12/08
WING CHAN
SUPERVISORY PATENT EXAMINER